Rocky Flats Coalition of Local Governments

Boulder County City and County of Broomfield Jefferson County

City of Arvada City of Boulder City of Westminster Town of Superior

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, July 1, 2002
8:30 – 11:30 a.m.
Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield

Board members in attendance: Hank Stovall (Director, Broomfield), Tom Brunner (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Sam Dixion (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Clark Johnson (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Paul Danish (Director, Boulder County), Jane Uitti (Alternate, Boulder County), Matt Magley (Alternate, Superior), Nanette Neelan (Alternate, Jefferson County).

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Kimberly Chleboun (Program Manager), Melissa Anderson (Technical Program Manager), Barbara Vander Wall (Seter & Vander Wall, P.C.).

Members of the Public: Bob Nininger (Kaiser-Hill), Bill Badger (Kaiser-Hill), Gary Voorhees (Kaiser-Hill), Lee Norland (Kaiser-Hill), Jeremy Karpatkin (DOE), Rick DiSalvo (DOE), Joe Legare (DOE), Glenn Doyle (DOE), Patrick Etchart (DOE), Dean Rundle (USFWS), Laurie Shannon (USFWS), Mark Sattleberg (USFWS), Tim Rehder (EPA), Rob Henneke (EPA), Steve Gunderson (CDPHE), Kathleen Rutherford (CDPHE), Patricia Rice (RFCAB), Nancy Lemein (City of Arvada), Bob Nelson (City of Golden), Doug Young (Congressman Udall), Nancy Hunter (Congressman Schaffer), Andrea Richard (Senator Allard), Roman Kohler (Rocky Flats Homesteaders), Robert Lynch (RFSOIU #1), Phil Cruz (RFSOIU #1), Dan Chesshir (RFSOIU #1), Gail Bange (Wackenhut), Katy Human (Daily Camera), Rich Koopman (City of Boulder), Lynn Johnson Wodell (City of Westminster).

Convene/Agenda Review

Chairman Dixion called the meeting to order at 8:36 a.m.

Business Items

Motion to Approve Consent Agenda – Hank Stovall motioned to approve the consent agenda. Clark Johnson seconded the motion. The motion passed 5-0 (the City of Boulder and Superior were not yet present).

Lease Renewal – David Abelson explained the Coalition's lease is up for renewal, leaving the Coalition with three options: 1) find new office space; 2) sign a new three-year lease at the current location at lower rates with two, one-year lease renewal options, or; 3) renew the current lease for two, one-year leases. He provided comparison information on the savings and proposed staying at the current location with a new three-year lease. Clark Johnson moved to approve the Coalition signing a new three-year lease at their current office location. Hank Stovall seconded the motion. The motion passed 5-0 (the City of Boulder and Superior were not yet present).

Executive Director's Report - David Abelson reported that DOE has been cleared to begin shipping plutonium metals and oxides to the Savannah River Site, although exactly when they will begin shipments is classified. South Carolina Governor Hodges has appealed to the Fourth Circuit Court of Appeals, but in the interim, prior to the hearing, the Court has refused to issue a temporary injunction to halt shipments. David said Paul Danish has an issue with information about shipping routes being released to the public, and will raise it during the Round Robin. Second, David stated he will be going to Washington, D.C. next week to meet with DOE and the Energy Communities Alliance to discuss the stewardship toolbox. These meetings will fulfill part of the Coalition obligations under the stewardship grant from DOE. Third, he provided copies of the Quarterly Financial Report. Fourth, David provided basic information on the proposed remedies for the Present Landfill and the 903 Pad. For the Present Landfill Kaiser-Hill plans an evapotranspiration cover, and will also address groundwater and leachate issues. Proposed remediation of the 903 Pad will include removal of the top 12 inches of radionuclide contaminated soil, to a cleanup level of 50 pCi/g, and possible remediation of the deeper volatile organic chemicals (VOC) later in a subsequent remediation. The Site is also considering treating a groundwater plume, containing VOCs, spreading toward the 903 Pad. He encouraged the Board to review the related technical data in the endstate workbooks, and explained these remedies will be described in-depth at the next meeting. As these are extremely important issues, David suggested the Board consider providing comments during the decision document public comment period. The August meeting will need to be extended by half an hour to allow for these discussions. The Board agreed to an extended August meeting.

Public Comment

There was no public comment at this time.

Refuge Management Plan - Compatibility

Laurie Shannon, USFWS, provided an update on the Comprehensive Conservation Plan (CCP) public process. She said she mailed out a summary of the public involvement process last week, and expects the public scoping meetings to be held September 9th -12th. Laurie will be contacting individual governments about meeting locations and announcements. Additionally, USFWS is hosting a public agency workshop August 19th, and their Rocky Flats refuge web page will be up by August 1st.

Next, Dean Rundle, USFWS, addressed the issue of compatibility. Under the National Wildlife Refuge System (NWRS) Improvement Act of 1997 (Organic Act), a specific refuge use can only be allowed once it has been determined, based on sound professional judgement, that the use is a compatible use and consistent with public safety. The term "compatible use" means a wildlife-dependent recreational use, or any other use that will not interfere with or detract from the fulfillment of the mission of the National Wildlife Refuge System or the refuge purposes. This refuge use can also include refuge management economic activity (e.g. farming, grazing, haying, etc.). Wildlife-dependent recreational use involves the six priority uses: hunting, fishing, wildlife observation and photography, environmental education and interpretation.

Dean then provided a brief history on the evolution of the concept of compatibility. The 1962 Refuge Recreation Act and the NWRS Administration Act of 1966 put compatibility into law, but a lack of clear policy lead to an inconsistent application of the law. Compatibility determinations were made locally, often based on local pressures and interests, resulting in a multitude of public uses. This lead to several lawsuits which eventually lead to the Organic Act and the following new provisions:

- compatibility determinations must be made in writing;

- public review and comment is required;
- determination must consider both the NWRS mission and the refuge purposes;
- determination ties into the CCP;
- priority public uses (wildlife-dependent recreation) are given special consideration;
- funding considerations are now part of sound professional judgement;
- some refuge management activities require a determination if they result in economic activity; and
- no compensatory mitigation is allowed, except for maintenance of existing right-of ways.

Dean stated compatibility determinations are not required when FWS lacks jurisdiction, in the cases of emergency actions, airspace overflights, navigable waters, tribal rights/jurisdictions, and refuge management activities.

Dean explained the compatibility determination for wildlife-dependent recreation is valid for fifteen years, after which it must be reevaluated. Other uses are re-evaluated every ten years, although any use, including compatibility determinations, may be re-evaluated by the Refuge Manager at any time. The determination is made by the Refuge Manager with concurrence by the Regional Chief. If those two disagree then the Regional Director decides. This decision is final and there is no appeal process. Dean also said there is a forthcoming Appropriate Uses Policy, which will precede the compatibility process.

Paul Danish said hunting didn't seem to be a compatible use for a refuge, and Dean replied a refuge is not an inviolate sanctuary. He said the determination to allow hunting is made on a case-by-case basis, and in some cases may be desirable for wildlife management purposes. Ron Hellbusch asked if a refuge is different from a wildlife preserve, and Dean said they have different types of management areas, but preserve is not term used as part of the refuge system. Tom Brunner referred to the six priority uses and asked about community open space departments proposing trails for bikes or horses. Dean acknowledged that horses and bikes will be two of the biggest compatibility issues at Rocky Flats. He said trails may be necessary to allow for the six priority uses, but modes of transportation are the real issue. Bikes and horses are not wildlife dependent recreation at this refuge, but a review of these uses will be part of the public process. Sam Dixion asked about wheelchair access, and Dean stated they must comply with the American Disabilities Act, although not every trail must be accessible as long as they provide and equivalency of experience. In conclusion, Dean provided a compatibility determination flowchart and an outline of the written determination.

Endstate Conversation – Subsurface Contamination

Joe Legare (DOE) began the endstate discussion by providing information on subsurface issues with a primary focus on the original process waste lines (OPWL) and under-building contamination (UBC). Apart from the risk-based endstate discussions, he noted the Ash Pits, Trench 7, and Trench 3 will be remediated independent of risk screen; the carbon tetrachloride plume source will be remediated, and barriers used for all other plumes; remediation of the Solar Ponds, Original and Present Landfills, and 903 Pad will not be impacted by endstate discussions; and, the 903 Lip Area surface will be cleaned up to 50 pCi/g.

Joe first provided an overview on subsurface sampling, stating that subsurface data exists from 916 boreholes resulting in over 12,000 samples from the Industrial Area and Buffer Zone. He described the number of contaminant detections for metals, radionuclides, and organics, and provided a map reflecting the borehole sample locations.

Joe then explained what is known thus far about the OPWL. There has been limited sampling, but there is historical and process knowledge. Environmental data have confirmed 26 specific locations of likely

leaks and 57 questionable segments less than six-feet deep. Remediation of the OPWL will be triggered by a risk screen and modeling incorporating potential contamination pathways. Joe provided a map which illustrated areas of subsoil exposure potential; erosion and landslides are not expected to provide pathways in most of the Industrial Area. Human intrusion provides an insignificant pathway for risk and will most likely be addressed through use of institutional controls. However, groundwater, and burrowing animals may create pathways and will be addressed when evaluating a remedy. Lisa Morzel asked if they had exposed any PWL while sampling and if they had done pressure tests. Tim Rehder (EPA) responded they had followed maps of the lines and the boreholes were done systematically alongside the lines in increments. He also said pressure testing provided a list of suspect lines, but did not provide enough resolution to determine exactly where the lines had leaked. Steve Gunderson (CDPHE) added they then performed biased sampling. He noted that many of the PWLs pulled up in the South Side remediation showed very little contamination. Tim said part of the risk screen will include a sliding scale to determine how much material could come to the surface at significant concentrations via human or animal intrusions.

Joe described the Site's following approach to remediating the OPWL:

above 3 feet, remove all process waste lines

between 3 feet and 6 feet, sample all known leaks (26)

risk-based remediation based on sampling results

in 700 area, additional sampling in areas of suspect leaks (~38 locations, mainly at connections, flanges, joints, tanks, etc.)

remove valve vaults (~30) where practical

remediate anything above 100 nCi/g (TRU waste level)

additional remediation based on area and level of contamination

grout remaining OPWL where we have access

pilot extensive sampling of three Pu leaks to review and confirm Actinide Migration Evaluation (AME) Study conclusions regarding actinide migration (immobility)

Joe said there is still limited uncertainty since this is not 100% sampling, but they have high confidence they will find all areas of significant contamination. David Abelson asked if they had a high amount of certainty regarding the depth of the OPWL, and Joe replied configuration control is not as much of an issue as there have been no design changes.

Joe next described what is known about UBC. The Site has process and historical knowledge of leaks and spills as well as some samples. He provided an overview of sampling results from several buildings thus far; the sampling revealed less radionuclide contamination than originally expected. As with the OPWL, remediation will be triggered by a risk screen based on preliminary remediation goals, and

incorporate potential contaminant pathways. The difference here is that erosion and landslides may be an issue for Building 881.

Joe said the Industrial Area Sampling and Analysis Plan will include biased and unbiased sampling to achieve a 95% confidence level. Additionally it will include geostatistical sampling, 80 boreholes in Building 881, and 16 boreholes in Phase I (the perimeter) of Building 771. Lisa asked how deep the boreholes will go, and Joe said it will depend on the objective, and Lee Norland, Kaiser-Hill, added they could go ten to twelve feet deep. Steve said they will be deepest around Building 771. Lee also confirmed they have a library of cores, although they are thin because they have been used for sampling. Joe said characterization will also include white space sampling based on a 10 meter triangular grid.

Joe described the following approach to remediating UBC:

Surface Slabs (defined as continuous structure from surface to reasonable depth) surface defined as first six inches below slab if radionuclide contamination above remediation goal, remediate to three feet risk screen applied to contamination below three feet

Subsurface Slabs use risk screen approach

Lisa asked where they came up with six inches. Joe explained that is the current surface depth defined by RFCA, and he added that they would not expect six inches to be clean and then have contamination below that. Hank Stovall asked if they would be able to determine a potential future maximum volume of contamination to be left onsite. Joe stated they will not have complete 100% characterization, but they do have biased information on where radionuclides are and where residual contamination is located. Steve confirmed they will have a good handle on what will be left.

Joe again reminded the Board that there is strong evidence that subsurface radionuclide contaminants are not mobile, based on sampling and the AME study. Mobile subsurface contaminants, such as non-rads and uranium, will be addressed through passive barriers. Lisa asked how the flow barriers worked and if they address flow rates in case of flooding. Steve said the barriers are incredibly long (e.g. the East Trenches Plume barrier is a few thousand feet long) and act as physical barriers as well as chemical barriers via treatment cells. Tim added the system design considers flow rates.

Joe then addressed risk reduction and long-term risk management by explaining the RFCA agencies are conducting accelerated actions to remediate sites that pose the greatest risk of contaminant movement. The final remedy will also address the remaining potential for contaminant movement. Following remedy implementation, the stewardship plan will have clear requirements for institutional controls, monitoring, maintenance, periodic review, and contingency plans. He noted the Department of Defense is currently contesting enforceability of the Record of Decision and institutional controls by the EPA, but DOE has no plans to do so. David said this issue of enforceability draws into question the roles of EPA and CDPHE post-closure, and the need to keep a regulatory system of checks and balances in order to effect a strong long-term stewardship plan. Paul Danish said he is skeptical of institutional controls as there is no empirical evidence they work.

Joe outlined the schedule and path forward in completing these endstate discussions. The Radionuclide

Soil Action Level (RSAL) report is complete, and RFCA modifications to the Action Level Framework (ALF) are expected for release in August. He said integration with DOE Headquarters should occur in July and August, and contractual alignment with Kaiser-Hill by late July. Joe stated the Site would like to hear from the Coalition prior to the release of the ALF modifications for public comment. He stated it appeared that DOE, EPA, CDPHE and the Coalition appear to have a clear understanding and alignment on the surface soil and surface water proposals, and he added that this endstate proposal has evolved over the last several months partly in response to this community dialogue. David asked the Board about their reaction to what Joe proposed today for the sampling and cleanup approach to the Industrial Area subsurface. Sam Dixion said it appears to be a fairly good approach, although they should also look at lessons learned from other sites. The Board then again discussed boreholes and sampling issues with the three RFCA parties.

Jeremy Karpatkin (DOE) laid out what the Site is seeking from the Coalition. He said they are not looking for a detailed prescription or critique, but a response to whether or not this approach, in a broad outline, makes sense. He asked the Board to consider if these core assumptions are logical, along with issuing community concerns and caveats. Additionally, Jeremy stated once the endstate conversation ends, cleanup discussions will continue through the end of cleanup, including specific decision documents, monitoring results and strategies for addressing remaining contaminants.

Round Robin

Boulder County – Paul Danish referred to a news article in the *Daily Camera* about plutonium shipments to South Carolina, which included details about potential transportation routes, what the convoys would look like, and when they are expected to start. He said plutonium is a weapon of war and our country is at war, thus it is highly inappropriate for this type of information to be made public. Paul said things changed on September 11th and this type of information should be made classified. He added if this is a result of NEPA the Board should ask Congress to consider writing exceptions of moving nuclear materials in time of crisis. Sam Dixion agreed. Paul Danish moved the Board write letters to Congress asking them to consider classifying information on transportation of weapons grade materials until this national emergency has ended. Lisa Morzel seconded the motion. The motion passed 6-0 (Jefferson County was not present).

Jane Uitti said there was a new *National Geographic* article about nuclear waste, including information on Rocky Flats.

Public Comment

Roman Kohler asked if the Site was going to provide a briefing on the recent safety incident that activated the DOE Emergency Operation Center (EOC). Joe Legare said the EOC had not been activated. Steve Gunderson explained there had been a safety incident in which the plastic wrap from a Building 776 glovebox had been torn while attempting to load it into a cargo container while outside. The contamination inside the cargo container was measured at 2.8 million disintegrations per minute (dpm), and two patches on the concrete in the vicinity of the container measured 180,000 dpm. Workers covered that contamination with paint and plastic, and later removed it. Steve said a corrective action will incorporate the requirement of a pallet measuring larger than the item placed on it so the item is not compromised.

Bob Nininger (Kaiser-Hill) said air samplers run continuously, so they pulled the filters and samples from all samplers to measure potential impacts from this incident to ambient air quality. Two samplers immediately downwind of the event showed very slightly elevated levels, 0.017 millirems, compared to

what is routinely seen on the samplers. He noted the standard is 10 millirems. There were no elevated alpha counts. Bob stated that although this level does not amount to a significant dose or trigger a follow-up isotopic evaluation, he will be doing an evaluation to try and pinpoint the reason for the elevated levels. He said they may actually be seeing results from the recent smoke haze and radon, or from an actual release.

Big Picture

David Abelson reviewed the Big Picture. At the August meeting the Board will discuss the endstate proposal. There will also be briefings on the Present Landfill and the 903 Pad.

The meeting was adjourned by Sam Dixion at 11:45 a.m.

Respectfully submitted by Kimberly Chleboun, Program Manager

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